IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Writ Petition No. 644 of 1992

1. M/s Dura Chem Industries
and another ..Petitioners

vs.

1. The Union of India & ors. ..Respondents

Petitioners and Advocate absent
Mr.R.M.Agarwal for respondents.

CORAM: A.P.SHAH &
Dr.D.Y.CHANDRACHUD JJ.
7th June, 2005

P.C.

1. Petitioners and their Advocate are absent. Heard Shri R.M.Agarwal for respondent no.2.

2. Shri Agarwal pointed out that the judgment of the Division Bench in Ras M<arketing and Exports Pvt.Ltd. & Anr. Vs. Union of India and another (Writ Petition No.466 of 1991) decided on 22nd October, 1992 was carried in appeal by the Department as well as by the petitioners as the Division Bench fixed the cut off date as 15th April, 1998 instead of 13th September, 1998 as fixed in the scheme. Shri Agarwal has submitted that the Supreme Court after fixing the cut off date as 13th September, 1998 remitted all the matters to the Joint Secretary (Industries) for individual scrutiny of all such pending cases for grant of subsidy. He also pointed out that after

the scrutiny by the Joint Secretary, Ministry of Industry, Govt. of India the cases where the claims were not allowed by the Joint Secretary were decided by the Division Bench in BCC Synthetics Limited & Anr. Vs. The Union of India and others (Writ Petition No.2832 of 1990 and companion writ petitions) by common judgment dated 6th August, 1996. He also brought to our notice subsequent orders passed by the Division Bench of this Court whereby all such similar cases were referred for scrutiny by the Joint Secretary Govt.of India, Ministry of Industries, New Delhi. In the light of the above order passed by the Supreme Court and the subsequent orders of various Division Benches, we direct that the present case be also referred for scrutiny by the Joint Secretary (Ministry of Industries) and the second set of the petition be forwarded to the Joint Secretary (Ministry of Industries) to enable him to carry out the scrutiny.

3. Petition is accordingly disposed of.

4. All contentions on merits are left open to the parties.